UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

)
MARIA ALEJANDRA CELIMEN SAVINO)
and JULIO CESAR MEDEIROS NEVES,)
)
Petitioners-Plaintiffs,)
) 20-cv-10617 WGY
v.)
	EMERGENCY MOTION
THOMAS HODGSON, et al.,)
)
Respondents-Defendants.)
)

DEFENDANTS' EMERGENCY MOTION FOR RELIEF FROM PRIOR NOTICE PROVISION RELATING TO REMOVAL

Defendants hereby request emergency relief from the Court's order requiring 48 hours' advance notice of any removal of a detainee from the District of Massachusetts. ICE's Enforcement and Removal Office ("ERO") has arranged for the removal of an individual (who has requested prompt removal) for tomorrow, June 11 at 2:00 p.m. by air flight to Chile. Undersigned counsel was just informed of this and immediately sought to confer with Plaintiffs' counsel by telephone and email. It has been over an hour and counsel has not gotten back to counsel for Defendants.

Plaintiffs' counsel had indicated by email on April 30, 2020 that Patricio Salazar-Martinez preferred to be promptly removed rather than have counsel seek bail for him. This individual tested negative for COVID-19 on June 4, 2020. In addition to the statement by his counsel, it has been reported to undersigned counsel that he has repeatedly told ERO that he wants to be removed as soon as possible.

ERO scheduled him for removal without informing undersigned counsel, so 48-hour

notice is not possible unless his flight is delayed. If Mr. Salazar-Martinez is not removed tomorrow, there is a significant chance of delay. The next available flight for him would be on June 18, 2020, which might not work because his travel document expires that day. He could easily face a delay of several months or more.

Undersigned counsel has insisted that there be an explanation for ERO's failure to provide him with sufficient time in which to properly notify the Court. However, in light of Mr. Salazar-Martinez having expressed his desire to be promptly removed, and assuming that no opposition is filed tomorrow morning, Defendants request that the Court waive the 48 hour notice requirement for this individual under these circumstances.

Respectfully submitted,

ANDREW E. LELLING, United States Attorney

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June 10, 2020

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Thomas E. Kanwit

Dated: June 10, 2020 Thomas E. Kanwit